



Social Policy Unit
Level 8
Causeway Exchange
1-7 Bedford Street
BELFAST
BT2 7EG

Tel: (028) 9082 3140
Email: liquorlicensingconsultation@communities-ni.gov.uk

Date: 14 October 2019

Dear Consultee

CONSULTATION ON LIQUOR LICENSING LAWS IN NORTHERN IRELAND

I am writing to inform you that the Department for Communities has published a consultation paper entitled "Liquor licensing laws in Northern Ireland".

The last general review of Northern Ireland's liquor licensing laws took place in 2012 resulting in the Licensing and Registration of Clubs (Amendment) Bill 2016. This Bill included measures aimed at contributing towards a reduction in alcohol related harm and making the licensed trade more sustainable and attractive to tourists. The Bill was making its way through the Assembly's legislative process and when the Assembly collapsed in January 2017, it could no longer be progressed.

The aim of this exercise is to determine public opinion on current licensing laws and whether changes could be made in the future to ensure Northern Ireland has a more flexible and modern licensing framework to respond to changing expectations and lifestyles.

The consultation is available via:

<https://www.communities-ni.gov.uk/consultations/consultation-liquor-licensing-laws-northern-ireland>

The consultation period runs from **14 October 2019** to **6 December 2019**.

If you wish to opt-out of receiving future correspondence in relation to liquor licensing please advise using the contact details above.

Yours sincerely

A handwritten signature in dark ink, reading "Liam Quinn." The signature is written in a cursive, flowing style with a period at the end.

Liam Quinn

Head of Social Policy Unit

Liquor Licensing Laws in Northern Ireland Consultation Document

Scope of Consultation

TOPIC OF THIS CONSULTATION:

This consultation seeks views on the current liquor licensing laws in Northern Ireland.

SCOPE OF THIS CONSULTATION:

We are keen to hear the views of all parties with an interest in licensing law, so that relevant views and evidence can be taken into account in any future policy decisions.

GEOGRAPHICAL SCOPE:

Licensing laws apply to all of Northern Ireland.

IMPACT ASSESSMENTS:

When taking forward a set of measures; or introducing a new or amended strategy, policy, procedure, or legislation, the Department is required to carry out a screening exercise to determine the impact the proposals may have on Section 75 groups, a Rural Needs Assessment and, where regulation is being proposed, a Regulatory Impact Assessment. The Department is seeking views on the effectiveness of the current licensing laws rather than putting forward policy proposals so has not carried out screening exercises. To feed into any future policy decisions however, it would be useful to receive any relevant evidence that you feel should be considered. This can be provided at the end of the consultation questions.

Basic Information

BODY/BODIES RESPONSIBLE FOR THE CONSULTATION:

This consultation is being undertaken by Social Policy Unit in the Department for Communities.

DURATION:

This consultation will be open for 8 weeks from 14 October 2019 to 6 December 2019.

ENQUIRIES:

For any enquiries about the consultation please email the Department at:

liquorlicensingconsultation@communities-ni.gov.uk

or write to:

Liquor Licensing Consultation,
Department for Communities,
Social Policy Unit, Level 8,
Causeway Exchange
1-7 Bedford Street
Belfast BT2 7EG

Or Telephone: 028 9082 3140

HOW TO RESPOND:

Online: You can respond online by accessing the consultation documents on the 'Citizen Space' web service. The online version can

be accessed at the following link: **https://consultations.nidirect.gov.uk/dfc-analytical-services-unit/261febe1/consult_view**

EMAIL:

You can also add your comments directly onto this document and email your responses to: **liquorlicensingconsultation@communities-ni.gov.uk** or download and post to:

Liquor Licensing Consultation,
Department for Communities,
Social Policy Unit, Level 8,
Causeway Exchange
1-7 Bedford Street
Belfast BT2 7EG

When you reply it would be very useful if you could confirm whether you are replying as an individual or submitting an official response on behalf of an organisation.

If you are replying on behalf of an organisation please include:

- Your name
 - Your position (if applicable)
 - The name of your organisation
 - An address (including postcode)
 - An email address
-

CONSULTATION RESPONSE:

We will consider the responses received and publish an outcome report on the Departmental website.

In line with good practice and sustainable development this document has been published electronically.

ACCESSIBILITY:

A range of alternative formats are available upon request from this Department.

Please email the Department at:

liquorlicensingconsultation@communities-ni.gov.uk

or write to:

Liquor Licensing Consultation,
Department for Communities,
Social Policy Unit, Level 8,
Causeway Exchange
1-7 Bedford Street
Belfast BT2 7EG.

Or Telephone: 028 9082 3140

How we consult

CONSULTATION PRINCIPLES:

This consultation is being conducted in line with the **Fresh Start Agreement – (Appendix F6 – Eight Steps to Good Practice in Public Consultation-Engagement)**. These eight steps give clear guidance to Northern Ireland departments on conducting consultations.

FEEDBACK ON THE CONSULTATION PROCESS:

We value your feedback on how well we consult. If you have any comments about the consultation process (as opposed to comments about the issues which are the subject of the consultation), including if you feel that the consultation does not adhere to the values expressed in the Eight Steps

to Good Practice in Public Consultation Engagement or that the process could be improved, please address them to:

Liquor Licensing Consultation,
Department for Communities,
Social Policy Unit, Level 8,
Causeway Exchange,
1-7 Bedford Street,
Belfast BT2 7EG

Email: **liquorlicensingconsultation@communities-ni.gov.uk**

Privacy, Confidentiality and Access to Consultation Responses

For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity may be published. We will remove names, email addresses and telephone numbers from these responses; but apart from this, we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice.

Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR); however all disclosures will be in line

with the requirements of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) (EU) 2016/679.

If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR.

DfC is the data controller in respect of any personal data that you provide, and DfC's privacy notice, which gives details of your rights in respect of the handling of your personal data, can be found at:

www.communities-ni.gov.uk/dfc-privacy-notice

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Liquor Licensing Laws in Northern Ireland

Restrictions on the sale of alcoholic drinks in Ireland were first introduced in 1634. Further restrictions were added for centuries until the new Northern Ireland Parliament, created in 1920, enacted the Intoxicating Liquor Act (Northern Ireland) 1923. The following decades saw many more amendments to this legislation with the current licensing laws (the Licensing (Northern Ireland) Order 1996) coming into force in February 1997.

The aim of licensing law is to try and strike a balance between the controls which are necessary for the protection of public health and the preservation of public order, the demand for individual freedom of choice and the opportunity for local businesses to continue to provide a high level of service to their customers.

It is estimated that the hospitality industry contributes £1.2 billion to the Northern Ireland economy every year, with the sector sustaining in the region of 60,000 jobs. Northern Ireland's food and drink is among the best in the world, tourists spend over £350 million per year on food and drink alone, and visitors increasingly view these elements as central to their experience.

There are dangers however associated with the consumption of alcohol and there is a significant burden to society, not only financial, of its misuse. In Northern Ireland, 303 deaths due to alcohol were recorded in 2017 (increased from 238 in 2007). There has also been a 15% increase in hospital admissions where conditions wholly related to alcohol have been recorded from 12,164 in 2009/10 to 14,032 in 2017/18. 43.3% of the public are concerned about alcohol related issues in their local area. This, along with the impact that alcohol misuse has on individuals, families and communities in Northern Ireland means alcohol misuse continues to be recognised as a significant public health, community safety, and social issue.

The last general review of Northern Ireland's liquor licensing laws took place in 2012 resulting in the Licensing and Registration of Clubs (Amendment) Bill 2016. This Bill included measures aimed at contributing towards a reduction in alcohol related harm and making the licensed trade more sustainable and attractive to tourists. The Bill was making its way through the Assembly's legislative process and when the Assembly collapsed in January 2017, it could no longer be progressed.

Given the passage of time since the last review, recent developments in other jurisdictions and growing public interest in licensing issues, the Department believes that it is appropriate to carry out a consultation on current liquor licensing policy.

The aim of the exercise is to determine public opinion on current licensing laws and views on whether changes could be made in the future

to ensure Northern Ireland has a more flexible and modern licensing framework to respond to changing expectations and lifestyles.

Views are currently being sought on the general principles and it should be noted that any relaxation of licensing law must be balanced with the need for regulation in the public interest.

If you are replying **on behalf of an organisation** please include: • Your name • Your position (if applicable) • The name of your organisation • An address (including postcode) • An email address

Maximum 350 words

Categories of licence

Under current licensing law, liquor licences can be granted to 12 categories of premises:

- Public house
- Off-licence
- Hotel
- Guest house
- Restaurant
- Conference centre
- Higher education institution
- Place of public entertainment
- Refreshment room in public transport premises
- Seamen's canteen
- Indoor arena
- Outdoor stadium

A number of representations have been made to the Department in recent years from local producers of beer, cider and spirits for a change in the law to allow them to sell their products directly to the public. Currently, these producers need to involve a third party to sell their products, which affects profits, or they need to obtain a public house licence which currently holds a value of approximately £95,000.

There has been a significant increase in the number of local producers in the past 15 years, with recent figures suggesting 43 breweries, 7 cideries and 15 distilleries.

Do you think the current 12 categories of licence are adequate? Please explain.

Yes ☐

No ☒

There should be more freedom for different types of premises to apply for licences to meet customer demand. By restricting the types of premises economic growth may be stifled and a move towards social responsibility rather than a heavy handed regulatory approach to how alcohol can be bought and consumed may be the way forward to reflect recent trends in the hospitality sector.

Permitted hours

Under current licensing law, normal opening hours in public houses and other on-sale licensed premises end at 11.00pm on weekdays and 10.00pm on Sundays, with 30 minutes drinking-up time.

Late opening hours are available to public houses, hotels, restaurants and higher education establishments which provide food and/or entertainment to the public. Such premises are allowed to open to 1.00am on weekdays and 12.00 midnight on Sundays, with 30 minutes drinking-up time.

The licensed trade contributes £1.2 billion per year to the Northern Ireland economy and sustains in the region of 60,000 jobs. Concerns have been expressed that current restrictions on opening hours may curtail

efforts to attract tourists and enhance the night time economy.

On the other hand, late opening of licensed premises is sometimes associated with disorder, noise nuisance for residents and can put a strain on police and health service resources.

The 2016 Bill proposed an additional 1 hour (until 2.00am) in certain circumstances, 12 times in a year (not including Christmas Day, Good Friday or Easter Sunday).

Do you think the current permitted hours for licensed premises are appropriate? Please explain.

Yes ☐

No ☒

It is agreed that public houses are an important part of the economy, creating jobs and helping to boost the night time economy and the tourism industry. However, it is not clear how the promotion of health and well being of individuals by reducing the availability of alcohol relates to encouraging tourists to consume alcohol and promoting public houses and drinking as an integral part of Northern Irish life and culture.

If there is not to be a wholesale review of opening hours in general to allow premises to open when they wish within in certain parameters to cater for different ages, cultures and tastes, then the proposal to introduce additional late opening for certain premises providing entertainment or food for a limited number of occasions is to be welcomed to allow a more varied night time economy, particularly where such licences are granted in conjunction with larger, community events. However, it is clear that further consideration should be given to allow for licenses to be altered or extended to allow premises to open for major sporting events held in areas within greatly different time zones (World Cups for example), and other special events.

It would be encouraged to align the permitted hours for the sale and consumption of alcohol in conjunction with the hours permitted within an entertainment licenses in those applicable premises.

Additional hours – small public houses

Under current licensing law, smaller public houses, which are not in a position to provide food and/or entertainment, may not be granted late opening hours by the courts. It is possible however for the police to authorise late opening in such premises for a maximum of 20 occasions in a year. This extends the permitted hours to 1.00am on weekdays and 12.00 midnight on Sundays, with 30 minutes drinking-up time.

The 2016 Bill proposed an increase to 85 occasions in a year. This figure was in recognition of an amendment passed in 2012, which increased the number of late openings which could be granted to registered clubs from 52 to 85.

Do you think the current 20 occasions where a small pub can apply for late opening is appropriate? Please explain.

Yes ☐

No ☒

Smaller pubs applying for more than 20 'late' licenses would be considered an administration issue. For example, do licensees apply for one at a time or can they apply for all in one go? In which case, why not permit them to have a late license anyway, particularly if this is aligned with private members clubs being allowed up to 85 events in a year, or even up to 104 occasions as proposed? Such a system would reflect current practice anyway in many struggling pubs who do not stay open late during the week (if they open at all) and only stay open to 1am on weekends at their busy time. If Councils and the PSNI are to be permitted to object to the grant of additional hours then the process should be adequately prepared to deal with appeals of decisions not to grant such licenses.

Easter opening

Under current licensing law, permitted hours for on-sales at Easter are:

Thursday – 11.30am to 11.00pm

– late opening to midnight

Good Friday – 5.00pm to 11.00pm

– no late opening

Saturday – 11.30am to 11.00pm

– late opening to midnight

Easter Sunday – 12.30pm to 10.00pm

– no late opening

Permitted hours for off-sales are 8.00am to 11.00pm except for Easter Sunday, when they are not permitted to open at all.

Easter is a period of special significance for many people in Northern Ireland.

Restrictions on the sale of alcoholic drinks on Good Friday date back to 1833, with the current position dating back to 1924.

The representative body for the licensed trade report a loss of between £16 and £20million to the sector over the Easter weekend due to the additional restrictions on opening hours.

The 2016 Bill included a provision to permit late opening on the Thursday before Good Friday (11.00pm to 1.00am the following day).

Do you think the current opening hours for Easter are appropriate? Please explain.

Yes ☐ No ☐

As the current restrictions are in place based primarily on particular religious grounds, it is not clear how an additional permitted hour on the Thursday before Good Friday will reflect social habits or promote tourism whilst staying true to the original ideal behind the restriction. If the proposal is to reflect social change then the closing times over Easter should not be isolated and different and be the same as that permitted, being 1am, or 2am if a new additional hours licence is in place.

By allowing the sale of alcohol to midnight, in conjunction with a 30 minute drinking up time would be permitting the consumption of alcohol well into Good Friday or Easter Sunday morning, and even more so if a 1 hour drinking up time is permitted anyway. If tourism is to be promoted then there should be no differentiation in trading hours to enable not only economic benefits but the opportunities to enjoy local licensed premises at a time when most people will have a chance to do so.

Drinking-up time

Under current licensing law, alcoholic drinks may be consumed for a period of 30 minutes after the end of permitted hours. This is commonly known as “drinking-up time”.

time to clear larger premises in an orderly fashion, better management of the impact on neighbouring residents and to allow customers to wait inside for taxis or lifts home.

The 2016 Bill proposed the extension of drinking-up time from 30 minutes to 1 hour. The intention was to allow the gradual dispersal of customers, allowing staff more

Do you think the current 30 minutes drinking-up time is adequate? Please explain.

Yes ☐ No ☒

The proposal to extend the permitted drinking up time may not discourage stockpiling of drinks or drinking too quickly at closing time, although it may encourage a more gradual departure from licensed premises. Orderly closure and departure of customers in many cases is dependant on issues not directly related to the premises eg transport. Allowing people to remain inside the premises for a longer period may reduce the noise outside the premises but only until the point when remaining customers leave at 2am (or 3am if there is a new late license), rather than 1.30am. Drinking up time in larger premises with entertainment (discos) usually equates to the provision of entertainment up to or beyond the end of drinking up time and an additional half hour may only delay the closure of a function.

Drinking up time would have to relate directly to any changes in the links between entertainment licensing and drinks licensing – if entertainment licenses permit people to be on the premises beyond the drinking up time then the legislation is more difficult to enforce. Whether or not the drinking up time is increased, the anti social problems that are related to dispersal time will remain – the problem is that all premises have to close at the same time and therefore regardless of the drinking up time there will be a phase in the night when the majority of pub customers will be leaving together. Consideration should be given to a wholesale review of drinking hours to permit different types of premises to sell alcohol at different times, which would stagger closing times and may reduce the impact on the neighborhood of all the licensed premises in one area having to close at exactly the same time along with an investigation into how other services can be improved to assist with 'home time'.

Removal of off-sales

Under current licensing law, during late opening hours, public houses can sell alcoholic drinks for consumption on the premises only. Alcoholic drinks for consumption off the premises, which can only be sold during normal hours, can however be removed from the premises as late as 1.30am (at the end of drinking-up time for late opening)

Concerns were raised that some pubs which have late opening hours sell “carry outs” to customers during the period of late opening (11.00pm to 1.00am). The availability of alcoholic drinks at such times may encourage

excessive consumption and street drinking, often resulting in anti-social behaviour.

The 2016 Bill would have prevented the removal of “carry outs” during late opening.

Do you think alcoholic drinks, which are bought before 11.00pm, should be allowed to be removed from the premises between 11.00pm and 1.00am (carryouts bought in a pub but taken home later)? Please explain.

Yes ☐

No ☒

This specifically related to the sale of 'carry outs' from public houses, and particularly after the bar has closed (i.e during drinking up time). It is generally considered that if a person buys an alcoholic beverage in a pub, the patron is not then allowed to take it from the premises after 1:30am/ drinking up time. It is therefore considered that he/she should not be allowed to take an alcoholic beverage from the same premises and open it outside. Sales of alcohol for consumption off the premises should be aligned to the same hours/times permitted to off-sales and supermarkets.

Places of public entertainment

Under current licensing law, a place of public entertainment may be granted a liquor licence. This category includes a theatre, ballroom and a race track licensed under the Betting, Gaming, Lotteries and Amusements (Northern Ireland) Order 1985.

The permitted hours for a place of public entertainment are 11.30am to 11.00pm on weekdays (5.00pm to 11.00pm on Good Friday).

Theatres, in addition, are permitted to open on Sundays and Christmas day between 12.30pm and 10.00pm. These hours are limited however to 30 minutes prior to and 30 minutes following entertainment.

At the time liquor licensing legislation was enacted, betting at race tracks was not

permitted on Sundays. The Betting and Gaming (NI) Order 2004 then permitted on-course Sunday betting, but with no corresponding changes to liquor licensing law, the sale of alcohol on a Sunday remains illegal under a "Place of public entertainment" race track licence. The industry believes this to be an anomaly which should be rectified.

Following the conclusion of the 2012 consultation and during the early passage of the Bill, representations were made to amend the law to allow permitted hours on a licensed race track on a Sunday.

**Do you think the current permitted hours for licensed race tracks are appropriate?
Please explain.**

Yes ☐ **No** ☐

There are no such tracks in our council area therefore we have no experience in relation to same and how these additional hours would affect them.

Major events

Major events are a very important driver in developing Northern Ireland's tourism industry, attracting visitors, spectators and event participants, and often lengthening the time visitors stay. Northern Ireland has successfully hosted major high profile events including the MTV European Music Awards, the Irish Open, Tall Ships, the Clipper Round the World Yacht Race, Giro d'Italia and more recently The 148th Open held in Royal Portrush.

A number of these events have included a food and drink offering and were held on unlicensed premises. The sale of alcoholic drinks on unlicensed premises is only possible using an occasional licence, granted by the courts to the holder of a public house, hotel or restaurant licence. The permitted hours for an occasional licence are 11.30am to 1.00am the next morning on weekdays and 12.30pm to midnight on Sundays (or if Sunday is 31 December, 12.30pm to 1.00am the next day).

The Department is aware that the organisers of a number of prestigious events have found the permitted hours for occasional licences restrictive and report that they have had a negative impact on the success of their event.

Furthermore, alcoholic drinks may not be sold for consumption off the premises under an occasional licence and the Department has been advised that organisers in some instances, wish to sell commemorative bottles for consumption at home.

With a view to assisting The 148th Open, held in Royal Portrush in July 2019, and other prestigious events, the Department launched a public consultation on 22 March 2019 seeking views from the public and stakeholders on whether the Department should be given the power to designate an event as a "special event". In doing so the Department would then have the power to vary permitted hours for sale of alcoholic drinks and allow certain off-sales at the event.

The consultation ran for 6 weeks and generated considerable interest with 239 formal responses. The consultation report was published on 31 May 2019 and it was clear from the responses that a move to amend permitted hours at special events could bring strong economic benefits to Northern Ireland.

**Do you think the current licensing laws
regarding major events are adequate?**

Please explain.

Yes ☐ **No** ☐

Proposals for province-wide review of opening hours in general to allow premises to open when they wish to cater for different ages, cultures and tastes, then the proposal to introduce additional late opening for certain premises providing entertainment or food for a limited number of occasions is to be welcomed to allow a more varied night time economy, particularly where such licenses are granted in conjunction with larger, community events. Further consideration should be given to allow for licenses to be altered or extended to allow premises to open for major sporting events held in areas within greatly different time zones (World Cups for example), and other special events. If licenses are to be extended then additional conditions can be considered which should be proportionate to the premises in question .

The number of such additional licenses permitted should be restricted only by necessity – if legislation sets the number too low then there may be occasions when some pubs miss out on unforeseen opportunities if they have used up their quota, whereas the system should not be so lenient as to allow larger premises to have so many additional hours licenses as to make these hours ‘normal’.

A clear definition of a "Major Event" would be important to avoid abuse of additional hours being requested.

Alignment of entertainment and liquor licences

Under current licensing law, the latest permitted time for the sale of alcoholic drinks is 1.00am on weekdays and 12.00 midnight on Sundays.

Liquor licences are granted by courts while local councils are responsible for granting entertainment licences.

Some councils grant entertainment licences beyond the late opening hours under a liquor licence, meaning entertainment can continue in a licensed premises after the bar must be closed.

Concerns have been raised that this practice has led to illegal sales, which is unfair on premises that obey the law. It also creates difficulties for the PSNI in enforcing liquor licensing law.

The 2016 Bill included a provision that would have prohibited entertainment from continuing after the end of drinking-up time.

Do you think the current practice of entertainment being provided beyond the end of drinking-up time is acceptable?

Please explain.

Yes ☐

No ☒

In relation to the proposal concerning entertainment licences, the majority of councils would be in favour of aligning entertainment licences to existing drinks licences. There are occasions when entertainment is permitted beyond the hours permitted by a drinks licence. Primarily this may be to assist with the 'drinking up' time, as provision of entertainment for a short time after the bar has closed is a useful tool in preparing customers to leave. Ultimately though, entertainment licences should not be about availability of alcohol – they are issued to ensure that premises are safe for public use and prevent nuisance in the area. However, if entertainment is automatically permitted for the drinking up time then this does not assist with the attempt to prevent people leaving premises all at one time – if music is provided as part of the drinking up time then what will be required is everyone to leave the premises immediately the entertainment ends. The PSNI are statutory consultees in the process of obtaining an entertainment licence and if they have concerns about the legality of persons being on premises beyond licensed hours they have the opportunity to advise councils of this and object to the grant or renewal of a licence.

Children's certificates

Under current licensing law, young people under 18 years are not allowed in the bar areas of any licensed premises or registered club at any time unless the premises has been granted a children's certificate.

The 2016 Bill included a provision to remove the requirement for children's certificates. The same conditions would have applied but the licence holder would not have the expense of applying for a physical certificate.

A children's certificate allows young people to be present in the bar area until 9.00pm, provided certain conditions are met, for example, the young person is in the company of an adult and is seated at a table away from the bar.

Do you think the current law regarding children's certificates is adequate?

Please explain.

Yes ☐

No ☒

If the intention of this review is to limit the exposure of children to alcohol then this aim should extend to restricting the allowing of children into a public house or other licensed premises. It is agreed though that if it is intended to allow children onto such premises there should be no need to have to apply for a separate certificate to do this, particularly if the premises meets certain requirements, similar to the proposals relating to supermarket alcohol – it is not enough that the child is seated 'away from the bar', the children's area must be separated from the bar area altogether.

Deliveries of alcohol

Under current licensing law, details of alcoholic drinks purchased and delivery locations must be entered into a day book held in the licensed premises. The delivery person must hold an invoice with the same details. Under current law a young person under 18 is permitted to accept a delivery made to the residence or working place of the purchaser.

The 2016 Bill proposed additional safeguards including prohibiting under 18s from receiving any deliveries of alcoholic drinks and requiring proof of age to be shown and recorded upon delivery.

Do you think the current safeguards regarding deliveries of alcohol to young people are adequate? Please explain.

Yes ☐

No ☒

Where proposals in relation to the restriction of delivery of alcohol to persons under 18 years of age are to be imposed, and it is agreed that this is a very acceptable proposal.

Underage functions

Under current licensing law, young people under 18 are not allowed in any part of licensed premises which contains a bar or is used mainly or exclusively for the sale and consumption of alcohol, unless a children's certificate is in force, they are accompanied by an adult and are off the premises by 9.00pm.

A Court of Appeal decision in 2015 upheld a ruling that it was illegal for young people to be in licensed premises beyond 9.00pm. This effectively means that the practice of holding school formals, beyond 9.00pm, in hotels for example contravenes licensing law.

The 2016 Bill included a provision which would have permitted underage functions in licensed premises beyond 9.00pm, provided the bar was closed. Strict conditions would have to be met in order for such a function to take place.

Do you think the current law regarding underage functions is adequate?

Please explain.

Yes ☐ No ☐

The restriction on children being on such premises to 9pm only does not tie in with the proposal to allow under 18 functions on licensed premises, as these teenage discos, school formals etc would invariably continue well after this time. At such events, if they are intended to be there as a rite of passage, or an introduction to adulthood then it is felt that it is not necessary to have the bar closed in the area such an event is taking place. The availability of soft drinks and non alcoholic cocktails should be made available at the bar – this will begin a process within teenagers that will remove the link between having to buy alcohol and having a good night at disco/ function type events.

Family functions

Under current licensing law, young people under 18 are not allowed in any part of licensed premises which contains a bar or is used mainly or exclusively for the sale and consumption of alcohol, unless a children's certificate is in force, they are accompanied by an adult and are off the premises by 9.00pm.

This allows a young person to be present in the bar area until 9.00pm, provided they are accompanied by an adult and seated away from the bar.

Concerns have been raised around the legality of the current practice of children being present at family functions in licensed premises, for example, a family wedding, wedding anniversary or birthday party, which are often held in hotels and licensed restaurants, beyond 9.00pm.

Do you think the current law regarding young people at family functions is adequate? Please explain.

Yes ☐

No ☒

The restriction on children being on such premises beyond 9pm while in the company of parents and family at these particular types of functions is openly flouted and should be removed. There is scope for sensible proposals to be introduced regarding such events that will allow families to celebrate family type events together - such celebrations are very important to the family and community.

Young people in sporting clubs

Under current licensing law, young people under 18 years are allowed to be in the bar area of a sporting club until 10.00pm.

Sporting clubs make a valuable contribution to society and provide opportunities for young people to learn new skills, discipline and lead healthy lives.

Many sporting clubs hold awards ceremonies, usually in the evening, celebrating the accomplishments of club members, and often include presentations to young people.

During the summer months, sporting activities often extend into the evening and

sporting bodies and clubs have asked for an extension to the time young people can remain in a sporting club.

The 2016 Bill contained a provision to allow 1 bona fide awards night per year, where under 18s could attend, until 11.00pm, and a proposal to allow young people to remain on the premises until 11.00pm during the summer months.

Do you think the current law regarding young people in sporting clubs is adequate? Please explain.

Yes ☐ No ☐

The proposal to allow under 18s into the bar area of a sporting club until 11 pm in the summer months does not take into consideration that many sports may not normally be held in the summer, and evening games and training sessions are the norm right throughout the year. It is felt therefore that the 10pm time limit is already sufficient, and in any case, sporting clubs should be doing their utmost to persuade children to make appropriate choices regarding the consumption of alcohol, not increase their exposure to the availability of it.

It is acknowledged that awards nights form an important part of a club's calendar. As such the restriction on under 18s attending such ceremonies should be lifted altogether as there is often further entertainment after the awards ceremonies. However, it is to be quite clear that this is a one off occasion and clubs should not attempt to get round this by having multiple awards ceremonies each year, for example, men's one night, women's a different night.

Restrictions on advertising in supermarkets and off-sales

There is growing evidence to support an association between alcohol advertising and consumption habits, particularly amongst young people.

In the United Kingdom, alcohol advertising in the media is regulated by a mixture of statutory regulation and self-regulation; through Ofcom, the regulator and competition authority for the UK communications industries; and the Advertising Standards Authority, the UK's independent advertising regulator which makes sure adverts across UK media stick to the advertising rules.

Current licensing law places no restrictions on advertising of alcoholic drinks in supermarkets and off-sales. With a change to the law it would be possible to restrict advertising in or close to licensed premises.

The 2016 Bill included a provision to restrict the advertising of drinks promotions in supermarkets to the off-sales area, and restricting external advertisements for supermarkets or other off-sales premises to within 200 metres of the premises.

Do you think restrictions should be placed on the alcohol advertisements from supermarkets and off-sales? Please explain.

Yes ☐ No ☐

It is acknowledged that there is active promotion of the availability of cheap alcohol in supermarket premises and it can be equally argued that the same also relates to other products which pose a potential risk to health – is it proposed to similarly hide foods high in fat content, or salt levels or sugar for example? Supermarkets will have a distinct, separate area for the display of alcohol already, with access by a gate, turnstile or similar. This area is normally at the rear or far corner of the shop floor area and is not directly visible when first entering the shop. In terms of equality regarding advertising, should similar restrictions on the availability of alcohol be applied to pubs and clubs – is fly posting, handing out leaflets and newspaper advertising of these premises not a similar 'aggressive, highly visible' promotion of the availability of alcohol?

Reducing the ability to advertise will not address the issue of the pricing of alcohol, which it would appear is more of an issue to non supermarket premises than it being advertised.

Advertising of functions in clubs

Private members clubs, which hold a certificate of registration, may supply alcoholic drinks to members and guests.

Under current licensing law, only functions which involve a sport, game or physical recreation may be advertised in the media. All other functions can only be advertised on club premises.

Members of the public are allowed to attend functions where the whole proceeds of the function are donated to charitable or benevolent purposes.

The 2016 Bill included a provision to allow the advertising of functions in the media, provided the advertisement clearly states that the function is for members and guests only or where the whole proceeds are to be donated to charitable or benevolent purposes.

Do you think the current restrictions on advertising of functions in registered clubs should be amended? Please explain.

Yes ☒

No ☐

It is felt that if there are to be any restrictions on advertising functions for sporting clubs they should mirror any restrictions that are equally applied to other premises where alcohol may be available. It seems unrealistic that a function widely advertised to the public and in the media would appeal only to 'members and guests' only, particularly if the intention of lifting the restriction is to encourage attendance at club events to assist in fundraising for the club. In any case, the current restrictions on advertising are not being enforced.

Provision of entertainment in restaurants

Under current licensing law, the sale of alcoholic drinks in a restaurant is ancillary to a main table meal. It must also be paid for at the same time and on the same bill as the main table meal. Licensed restaurants may not charge an admission or entrance fee to the premises.

There is evidence that some licensed restaurants have been operating into the early hours, providing entertainment and charging an entrance fee.

The 2016 Bill included a provision requiring a restaurant (whether stand alone or in a guest house) to display a notice detailing the conditions in relation to the sale and consumption of intoxicating liquor in the premises.

Do you think the law in relation to the provision of entertainment in restaurants should be changed? Please explain.

Yes ☒

No ☐

In relation to restricting the activities that can take place in a restaurant it is perhaps unfair to curtail this industry's attempt to evolve to meet customers' needs. It is felt that the atmosphere within a restaurant setting is more than suitable to permit activities such as a band playing, dancing, or a comedian for example keeping diners entertained – it is not clear why restaurants should be specifically restricted from providing such entertainment, while hotels and other larger licensed premises can provide exactly the same without any restriction. If this review is about giving people choices on how, where and when they consume alcohol and at the same time promote tourism and the night time economy then people should be given a wide as choice as possible of venues to attend, thus reducing the intrinsic link that being entertained means having to go to a pub, club or hotel bar. Furthermore, it appears unfair that public houses can serve alcohol along with and (long) after a meal, but that restaurants cannot.

Self-Service

Current licensing law is silent on innovations such as pour your own pint tables or alcohol vending machines, self-service tills and click and collect lockers, which provide easier access, self-service options for customers.

The 2016 Bill included a provision preventing the use of self-service, ensuring the sale and supply of alcoholic drinks is only under the direct supervision of a licence holder or member of staff.

Concerns have been expressed that self-service options may encourage underage and/or excessive drinking, allowing those who would otherwise not be served in a licensed premises, access.

Do you think self-service of alcoholic drinks should be regulated? Please explain.

Yes ☒ No ☐

It is agreed that there may be concerns with Pull Your Own Pint tables and Vending Machine sales but it is not agreed that these need to be prohibited completely, as long as they are supplied to the public in such a way as to be properly managed, such as in a supervised area for example. It is felt that if the purpose of this review is to enhance the experience of persons attending licensed premises then entrepreneurialism and innovation should not be stifled by legislation, simply because a minority might make the wrong decision in relation to alcohol consumption.

Codes of practice

Codes of practice represent a form of self-regulation which complement rather than replace statutory regulation. In Northern Ireland, The Responsible Retailing Code, developed by key stakeholders in the alcohol industry, is the primary vehicle for tackling irresponsible drinks promotions.

The 2016 Bill included a provision allowing the Department to formally approve a code of

practice, meaning adherence to such a code could affect the granting and/or renewal of a liquor licence.

Do you think the Department should be allowed to formally approve industry codes of practice?

Yes ☐ No ☐

It is felt that requiring licence holders to sign up to a single approved code of practice is not the way forward. Essentially this would restrict individuals from operating in a manner other than that set down in a code of practice agreed in a 'quango-esque' manner. Whilst a voluntary code of practice is welcomed it is however felt that by giving one code of practice legal status over any other codes or best practices would stifle entrepreneurs and innovators whilst giving those who wrote such a code a degree of control over licensing decisions that may in fact fetter courts, police and Council discretion in licensing processes.

Remote sale of alcoholic drinks

Current licensing law provides for the categories of premises which may apply for a liquor licence. In face-to-face sales, the question of where the sale takes place is obvious. The law is silent however on the remote sale of alcoholic drinks (alcohol delivery service), online, via app, telephone etc.

Concerns have been raised that illegal sales of alcoholic drinks to the public are taking place via these methods, with the potential for young people in particular to access alcohol.

Other jurisdictions provide clarification in law that, where a sale is made online or by some other distance sale method, the premises from which the alcoholic drinks are dispatched for delivery must be licensed.

Do you think the law should be clarified in respect of the remote sale of alcoholic drinks? Please explain.

Yes ☒

No ☐

Whilst the statement covering other jurisdictions is a valid one i.e. "the premises from which the alcoholic drinks are dispatched for delivery must be licensed", there does still not appear to be any control in the age of the buyer. With face-to-face purchases, the buyers ID would normally be required to confirm age (over 18), however with on-line, or remote methods, this is not possible and open to the risk of underage persons purchasing alcohol. This also raises the questions for clarity in regards to time of sale i.e. after pub, nightclub closing times, or if the delivery person is required to ask for ID before releasing the purchase.

Loyalty schemes

Loyalty schemes are a recognised way of rewarding regular customers. Many supermarkets in Northern Ireland run such schemes, often allowing customers to gather points on the purchase of products which are then accumulated and exchanged for discount vouchers or “free” goods at a later date for members. Points can be gained from the purchase of alcoholic drinks and points may be exchanged for the same.

Some supermarkets however, within their own terms and conditions, will not allow the collection of points on spirits and liqueurs.

Some public houses in England run loyalty schemes, openly advertising that you can save up your points (rewarded with each purchase) and use them on a round of drinks.

The Licensing (Northern Ireland) Order 1996 is silent on the issue.

Do you think the law should be changed to ensure that alcoholic drinks cannot be used in loyalty schemes? Please explain.

Yes ☐

No ☒

Further investigation into this matter may be required as we have had no experience of the pros and cons of such schemes.

Are there any other aspects of liquor licensing law that you feel should be changed?

Maximum 350 words

Do you have any relevant evidence that you think should be considered in relation to the impact of current licensing laws?

Maximum 350 words

Available in alternative formats.

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